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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,372	11/14/2003	Shiro Iwasaki	2003_1645A	9587
52349 7590 09/24/2008 WENDEROTH, LIND & PONACK L.L.P. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006				
EXAMINER				
TEKLE, DANIEL T				
ART UNIT		PAPER NUMBER		
2621				
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09/24/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/712,372

Applicant(s)

IWASAKI ET AL.

Examiner

DANIEL TEKLE

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5-16 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-16 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 27, 2008 has been entered.

Response to Argument

Applicant's arguments filed June 27, 2008 have been fully considered but they are not persuasive.

Applicant argues on page 7 of the remark, "...At best, Hatanaka discloses the use of interleaved parity bits, which are binary digits (i.e. 1 or 0) that are added to ensure that the number of bits with a value of one in a given set of bits is always even or odd. However, parity bits are use as a common form of error detection, not for direct data recover.

In replay the examiner respectively disagrees. The combination of two references shows the recover data as well as interleaved audio video with error detection as cited on the final office action. Hatanaka et al. discloses MPEG-2, which includes the error detection as well as error correction (paragraph 29-30).

Applicant argues in regarding the new added limitation to claim 1, follow the rejection to claim 1 below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-4 and 6-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higashida et al.(**us 6,862,401**) further in view of Hatanaka et al. (**US 2007/0154184**).

Regarding Claim 1: Higashida et al. discloses a recording apparatus for recording AV data containing at least one of audio data and video data, and recovery data for restoring management information for the AV data when AV data recording did not end normally (**column 2 lines 35-43**), recording apparatus comprising: Hatanaka et al. discloses a first generator operable to generate recovery data for each constant or variable period (paragraph 29-30); a second generator operable to generate AV data (paragraph 29-30); and a recorder operable to interleave the recovery data with the AV data, and to record the interleaved recovery data with the AV data on the recording medium during AV data recording, wherein the recovery data contains, in relation to the AV data (paragraph 29-30), 1) file management information (MPEG-2 paragraph 29), 2) recording address information (MPEG-2 paragraph 29) , 3) playback time information (MPEG-2 paragraph 29), and 4) a start address for an I-picture (MPEG-2 paragraph 29-30).

It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the proper multiplexing of audio/video on a time divisional basis of Hatanaka et al. into Higashida et al. invention in order to receive/record/playback an audio video signal.

Regarding Claim 6: Higashida et al. discloses a recording apparatus as described in claim 1, wherein recovery data address information indicating the location of a recovery data is stored in a predefined area (**column 7 lines 40-50**).

Regarding Claim 7: Higashida et al. discloses a recording apparatus as described in claim 6, wherein the recovery data address information comprises multiple banks (**column 6 lines 60-65**).

Regarding Claim 8: Higashida et al. discloses a recording apparatus as described in claim 1, wherein recovery data address information indicating an address of the recovery data is stored in a recovery data file of a predetermined name (**column 7 lines 40-50**).

Regarding Claim 9: Higashida et al. discloses a recording apparatus as described in claim 8, comprising multiple recovery data files (**column 7 lines 14-23**).

Regarding Claim 10: Higashida et al. discloses a recording apparatus as described in any of claims 6, wherein the recovery data address information includes a serial number or time information (**column 7 lines 40-50**).

Regarding Claim 11: Higashida et al. discloses a recording apparatus as described in claim 1, wherein the recovery data is divided into at least two data segments that are recorded interleaved with the AV data when recording the AV data (**column 7 lines 14-**

23). Higashida et al. did not mention the use of recovery data recorded interleaved with AV data; however Hatanaka et al. discloses a packet of video and audio data multiplexing on a time divisional bases (**paragraph 0029**).

It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the proper multiplexing of audio/video on a time divisional basis of Hatanaka et al. into Higashida et al. invention in order to receive/record/playback an audio video signal.

Regarding Claim 12: Higashida et al. disclose a recording apparatus as described in claim 11, wherein the segmented recovery data contains a recording address of previously segmented and recorded recovery data (**column 7 lines 40-50**).

Regarding Claim 13: Higashida et al. discloses a recording apparatus as described in claim 11, wherein the segmented recovery data contains difference information from previously segmented and recorded recovery data (**column 7 lines 40-50**).

Regarding Claim 14: Higashida et al. discloses a recording apparatus as described in any of claims 1, wherein the recovery data contains address information for next recovery data (**column 11 lines 49-56**).

Regarding Claim 15: Higashida et al. discloses a recording apparatus as described in any of claims 1, wherein identification information for distinguishing the recovery data from other recorded data is recorded with the recovery data (**column 7 lines 40-50**).

Regarding Claim 16: Higashida et al. disclose a recording apparatus as described in any of claims 1, except did not mention, wherein the recovery data is interleaved with

AV data of a specific size; however Hatanaka et al. discloses a packet of video and audio data multiplexing on a time divisional bases with a specific size(**paragraph 0029**).

It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the proper multiplexing of audio/video on a time divisional basis of Hatanaka et al. into Higashida et al. invention in order to receive/record/playback an audio video signal.

Regarding Claim 19: Claim 19 are rejected for the same subject matter as claims 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621
/Daniel Tekle/
Examiner, Art Unit 2621